

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 9, 11, and 13 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5, 7-11, and 13-20 are now pending in this application.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Koble (U.S. Patent No. 3,197,183). It is submitted that Koble does not disclose every element of claim 1 and therefore does not anticipate claim 1. Koble does not disclose the use of a rigid media. Further, Koble does not disclose the removal of the media about a longitudinal axis that extends between the top and bottom of the media cabinet. The rear wall of the water distribution trough 24 of Koble includes an upwardly extending member that hits the top cover to prohibit the pad frame from fully pivoting out of the cooler. As a result the media housing of Koble is not removable as recited in claim 1. Rather, Koble discloses the pivoting of the pad frame for the purpose of adding additional water to the system and not for removing the media pad. Accordingly, it is requested that this rejection of Claim be withdrawn.

Claims 2-5, 7-10 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koble. The Examiner rejected claims 17-10, however it appears that the Examiner meant to reject claims 17-20 and this response will address these claims as well. It is submitted that Koble does not teach, disclose or suggest each element of the rejected claims and therefore the claims are not obvious in view of Koble. The Examiner does not present a prima facie case of obviousness for this rejection based on the Koble reference. To establish

a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See MPEP 706.02(j). Koble does not teach or suggest, a cover being removable from the media cabinet and being separate from the top of the housing as recited in claim 1 and therefore claim 1 is not obvious in view of Koble. Claims 2-5 and 7-10 depend from claim 1 and are also patentable over Koble for at least the same reason. With respect to independent claim 17, Koble does not disclose a media cabinet extending across the entire width of the housing and removable from the housing as recited in claim 17. Claims 18-20 depend from claim 17 and are patentable over Koble for at least the reason stated above with respect to claim 17.

In paragraph 5, claims 2-5, 7-10 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koble in view of Morrison et al. Claim 1 and claim 17 both require a media cabinet cover. Neither Koble nor Morrison et al. teach, disclose or suggest a media cabinet cover to allow independent access to the media cabinet as recited in claims 1 and 17. Accordingly claims 1 and 17 are patentable over the cited references. Claims 2-5, 7-10 and claims 18-20 depend from claims 1 and 17 and are therefore patentable over the cited references as well. It is requested that the rejection be withdrawn.

In paragraph 6 claims 11 and 13-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koble in view of Morrison et al and further in view of Johnson et al. It is submitted that neither Koble nor Morrison nor Johnson, either alone or in combination teaches, discloses or suggests more than one removable media housing. Johnson et al. discloses four media pads located on four sides of the housing in a manner that would require significant disassembly of the housing to access the panels. There is simply no suggestion to have two media cabinets as recited in claim 11 in the cited references. Further none of the cited references teaches, discloses or suggests a media housing including a downwardly extending flange being supported on the housing as recited in claim 11. Accordingly it is

submitted that claim 11 is patentable over the cited references. Claims 13-16 depend from claim 11 and are patentable over the cited references for at least the reasons stated with respect to claim 11.

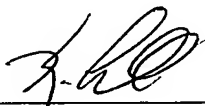
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 11/26/04

By 

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